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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**STEVEN SCHNEIDER,  
INDIVIDUALLY AND ON BEHALF  
OF ALL OTHERS SIMILARLY  
SITUATED.**

**Plaintiff.**

v

# **BISHOP, WHITE, MARSHALL & WEIBEL, P.S..**

### Defendants

Case No.: '12CV1998 JM DHB

## **CLASS ACTION**

## **COMPLAINT FOR DAMAGES**

## JURY TRIAL DEMANDED

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## INTRODUCTION

1. STEVEN SCHNEIDER (“Plaintiff”) brings this class action for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of BISHOP, WHITE, MARSHALL & WEIBEL, P.S. and its related entities, subsidiaries and agents (“Defendant”) in willfully employing and/or causing to be employed certain eavesdropping, recording and listening equipment in order to record, monitor or listen to the telephone conversations of Plaintiff without the knowledge or consent of Plaintiff, in violation of California Penal Code §§ 630 *et seq.*, thereby invading Plaintiff’s privacy. Plaintiff alleges as follows upon personal knowledge as to their own acts and experiences, and, as to all other matters, upon information and belief, including the investigation conducted by his attorneys.

2. California Penal Code § 632 prohibits one party to a telephone call from intentionally recording the conversation without the knowledge or consent of the other. Penal Code § 632 is violated the moment the recording is made without the consent of all parties thereto, regardless of whether it is subsequently disclosed. The only intent required by Penal Code § 632 is that the act of recording itself be done intentionally. There is no requisite intent on behalf of the party doing the surreptitious recording to break California or any other law, or to invade the privacy right of any other person. Plaintiff alleges that despite California's two-party consent rule, Defendant continues to violate Penal Code § 632 by impermissibly recording, monitoring, and/or eavesdropping upon its telephone conversations with California residents.

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## **JURISDICTION AND VENUE**

3. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff, a resident of the State of California, seeks relief on behalf of a California class, which will result in at least one class member belonging to a different state than that of Defendant, a company with its principal place of business and State of Incorporation in the State of Washington. Plaintiff also seeks the greater of statutory damages of \$5,000 per violation or three times actual damages per violation pursuant to Penal Code § 637.2(a), which, when aggregated among a proposed class number in the tens of thousands, exceeds the \$5,000,000 threshold for federal court jurisdiction. Therefore, both diversity jurisdiction and the damages threshold under the Class Action Fairness Act of 2005 (“CAFA”) are present, and this Court has jurisdiction.
  4. Venue is proper in the United States District Court for the Southern District of California pursuant to 18 U.S.C. § 1391(b) and 1441(a) because Defendant does business within the State of California and the County of San Diego.

## PARTIES

5. Plaintiff is, and at all times mentioned herein was, an individual citizen and resident of the State of California.
  6. Plaintiff is informed and believes, and thereon alleges, that Defendant is, and at all times mentioned herein was, a corporation whose principal place of business and State of Incorporation are in Seattle, Washington. Defendant has a policy and practice of recording and/or monitoring telephone conversations with the public, including California residents. Defendant's employees and agents are directed, trained and instructed to, and do, record, monitor, and/or eavesdrop upon telephone conversations with the public, including California residents.

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**FACTUAL ALLEGATIONS**

- 1                   7. Defendant is, and at all times mentioned herein was, a professional corporation. Plaintiff  
2                   is informed and believes, and on the basis of that information and belief alleges, that at all  
3                   times mentioned in this Complaint, Defendants were the agents and employees of their  
4                   co-defendants, and in doing the things alleged in this Complaint, were acting within the  
5                   course and scope of that agency and employment.
- 6                   8. At all times relevant, Plaintiff was an individual residing within the State of California.
- 7                   9. Since June 2012, Plaintiff had numerous telephone communications with certain  
8                   employees, officers and/or agents of Defendant. Plaintiff is informed and believes, and  
9                   thereon alleges, that Defendant first obtains highly personal and confidential information  
10                  from California consumers prior to warning said consumers that the telephonic  
11                  communication is being monitored, recorded and/or eavesdropped upon by Defendant.
- 12                  10. Specifically, on June 20, 2012, Defendant contacted Plaintiff by telephone in order to  
13                  inquire about an alleged debt that Defendant was attempting to collect from Plaintiff.  
14                  After speaking with Defendant for a period of time, including discussions of Plaintiff's  
15                  personal financial information, zip code, and social security number, Plaintiff inquired as  
16                  to whether the conversation was being recorded and Defendant responded for the first  
17                  time that Defendant records all calls between Defendant and consumers.
- 18                  11. During each of these conversations with Defendant, Plaintiff discussed highly personal  
19                  and private financial information that Plaintiff had not openly discussed with others.
- 20                  12. Plaintiff had no reasonable expectation that any of Plaintiff's telephone conversations  
21                  with Defendant would be monitored, recorded and/or eavesdropped upon due to the  
22                  private subject matter being discussed. Should Plaintiff have known that said  
23                  conversation/s were being recorded, Plaintiff would have conducted and spoken  
24                  differently to the representative/s of Defendant.
- 25                  13. Plaintiff was shocked to discover that such a confidential communication was being  
26                  monitored, recorded and/or eavesdropped upon by Defendant without Plaintiff's  
27                  knowledge or consent.
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- 1       14. Plaintiff found Defendant's clandestine monitoring, recording, and/or eavesdropping to  
2       be highly offensive due to the delicacy of the topics discussed during said conversations.  
3       15. Each of these conversations with Plaintiff, were without Plaintiff's knowledge or consent,  
4       recorded, monitored, and/or eavesdropped upon by Defendant, causing harm and damage  
5       to Plaintiff. Prior to Plaintiff's query on the matter, Plaintiff was never informed that  
6       Plaintiff's telephone calls were being monitored, recorded, and/or eavesdropped upon.  
7       At no time during these calls did Plaintiff give consent for the telephone calls to be  
8       monitored, recorded and/or eavesdropped upon.
- 9       16. Plaintiff is informed and believes, and thereon alleges, that during the relevant time  
10      period, Defendant has had a policy and a practice of recording and/or monitoring  
11      telephone conversations with consumers. Defendant's employees and agents are  
12      directed, trained and instructed to, and do, record, monitor, and/or eavesdrop upon  
13      telephone conversations with the public, including Plaintiff and other California  
14      residents.
- 15      17. Plaintiff is informed and believes, and thereon alleges that from the beginning of 2011 to  
16      the present, Defendant has installed and/or caused to be installed certain eavesdropping,  
17      and listening equipment in its employees' or agents' telephone lines. Defendant uses  
18      these devices to overhear, record, and listen to each and every telephone conversation on  
19      said telephone lines.
- 20      18. Plaintiff is informed and believes, and thereon alleges, that during the relevant time  
21      period, Defendant has had all of its calls to the public, including those made to California  
22      residents, recorded, monitored, and/or eavesdropped upon without the knowledge or  
23      consent of the public, including Plaintiff and other California residents.
- 24      19. Defendant's conduct alleged herein constitutes violations of the right to privacy to the  
25      public, including Plaintiff and other California residents, and California Penal Code § 630  
26      *et seq.*

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## **CLASS ACTION ALLEGATIONS**

20. Plaintiff brings this action on behalf of himself and on behalf of all others similarly situated (“The Class”).
  21. Plaintiff represents, and is a member of, “The Class” defined as follows: “All persons in California whose inbound and outbound telephone conversations were monitored, recorded, and/or eavesdropped upon without their consent by Defendant within the four years prior to the filing of the original Complaint in this action.”
  22. Defendant, and its employees and agents are excluded from The Class. Plaintiff does not know the number of members in The Class, but believe this number to be in the tens of thousands, if not more. Thus, this matter should be certified as a Class action to assist in the expeditious litigation of this matter.
  23. This suit seeks only damages and injunctive relief for recovery of economic injury on behalf of The Class and it expressly is not intended to request any recovery for personal injury and claims related thereto. Plaintiff reserves the right to expand The Class definition to seek recovery on behalf of additional persons as warranted as facts are learned in further investigation and discovery.
  24. The joinder of The Class members is impractical and the disposition of their claims in the Class action will provide substantial benefits both to the parties and to the Court. The Class can be identified through Defendant’s records.
  25. There is a well-defined community of interest in the questions of law and fact involved affecting the parties to be represented. The questions of law and fact to The Class predominate over questions which may affect individual Class members, including the following:
    - a. Whether Defendant has a policy of recording, and/or eavesdropping upon and/or monitoring incoming and/or outgoing calls;
    - b. Whether Defendant discloses to callers and/or obtains their consent that their incoming and/or outgoing telephone conversations were being recorded, eavesdropped upon and/or monitored;

- 1           c. Whether Defendant's policy of recording, eavesdropping upon and/or monitoring  
2           incoming and/or outgoing calls constituted a violation of California Penal Code §§  
3           632(a) and/or 637;
- 4           d. Whether Defendant's policy of recording, eavesdropping upon, and/or monitoring  
5           incoming and/or outgoing calls constitutes an invasion of privacy;
- 6           e. Whether Plaintiff and The Class were damaged thereby, and the extent of damages  
7           for such violations; and
- 8           f. Whether Defendants should be enjoined from engaging in such conduct in the future.
- 9       26. Plaintiff is asserting claims that are typical of The Class because every other member of  
10          The Class, like Plaintiff, was exposed to virtually identical conduct and are entitled to the  
11          greater of statutory damages of \$5,000 per violation or three times actual damages per  
12          violation pursuant to Penal Code § 637.2(a).
- 13       27. Plaintiff will fairly and adequately represent and protect the interests of The Class in that  
14          Plaintiff has no interest antagonistic to any member of The Class. Plaintiff has retained  
15          counsel experienced in handling class action claims to further ensure such protection.
- 16       28. Plaintiff and the members of The Class have all suffered irreparable harm as a result of  
17          the Defendant's unlawful and wrongful conduct. Absent a class action, The Class will  
18          continue to face the potential for irreparable harm. In addition, these violations of law  
19          will be allowed to proceed without remedy and Defendant will likely continue such  
20          illegal conduct. Because of the size of the individual Class member's claims, few, if any,  
21          Class members could afford to seek legal redress for the wrongs complained of herein.
- 22       29. A class action is a superior method for the fair and efficient adjudication of this  
23          controversy. Class-wide damages are essential to induce Defendant to comply with  
24          federal and California law. The interest of The Class members in individually controlling  
25          the prosecution of separate claims against Defendant is small because the maximum  
26          statutory damages in an individual action for violation of privacy are minimal.  
27          Management of these claims is likely to present significantly fewer difficulties than those  
28          presented in many class claims.

1 30. Defendant has acted on grounds generally applicable to The Class, thereby making  
2 appropriate final injunctive relief and corresponding declaratory relief with respect to The  
3 Class as a whole.

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5 **FIRST CAUSE OF ACTION**

6 **INVASION OF PRIVACY: VIOLATION OF PENAL CODE § 632**

7 31. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as  
8 though fully stated herein.

9 32. Californians have a constitutional right to privacy. Moreover, the California Supreme  
10 Court has definitively linked the constitutionally protected right to privacy within the  
11 purpose, intent and specific protections of the Privacy Act, including specifically, Penal  
12 Code § 632. "In addition, California's explicit constitutional privacy provision (Cal.  
13 Const., 1 § 1) was enacted in part specifically to protect California from overly intrusive  
14 business practices that were seen to pose a significant and increasing threat to personal  
15 privacy. (Citations omitted). Thus, Plaintiff believes that California must be viewed as  
16 having a strong and continuing interest in the full and vigorous application of the  
17 provisions of section 632 prohibiting the recording of telephone conversations without  
18 the knowledge or consent of all parties to the conversation.

19 33. California Penal Code § 632 prohibits one party to a telephone call from intentionally  
20 recording the conversation without the knowledge or consent of the other party. Penal  
21 Code § 632 is violated the moment the recording is made without the consent of all  
22 parties thereto, regardless of whether it is subsequently disclosed that the telephone call  
23 was recorded. The only intent required by Penal Code § 632 is that the act of recording  
24 itself be done intentionally. There is no requisite intent on behalf of the party doing the  
25 surreptitious recording to break California law or any other law, or to invade the privacy  
26 right of any other person.

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- 1 34. Plaintiff is informed and believes, and thereupon alleges, that Defendant employed and/or  
2 caused to be employed certain eavesdropping, recording, and listening equipment on the  
3 telephone lines of all employees, officers, directors, and managers of Defendant.
- 4 35. Plaintiff is informed and believes, and thereupon alleges, that all these devices were  
5 maintained and utilized to overhear, record, and listen to each and every incoming and  
6 outgoing telephone conversation over said telephone lines.
- 7 36. Said listening, recording, and eavesdropping equipment was used to record, monitor, or  
8 listen to the telephone conversations of Plaintiff and the members of The Class, all in  
9 violation of California Penal Code § 632.6(a).
- 10 37. At no time during which these telephone conversations were taking place between  
11 Defendant or any employee, agent, manager, officer, or director of Defendant, and any  
12 other person, did Defendant inform Plaintiff or any other member of The Class that the  
13 interceptions, eavesdropping, listening, and recording of their telephone conversations  
14 were taking place and at no time did Plaintiff or any other member of The Class consent  
15 to this activity.
- 16 38. Defendant, knowing that this conduct was unlawful and a violation of Plaintiff and the  
17 members of The Class' right to privacy and a violation of California Penal Code § 630, *et*  
18 *seq.*, did intrude on Plaintiff and the members of The Class' privacy by knowingly and/or  
19 negligently and/or intentionally engaging in the aforementioned intercepting,  
20 eavesdropping, listening, and recording activities relative to the telephone conversations  
21 between Plaintiff and The Class members, on the one hand, and Defendant on the other  
22 hand, as alleged herein above.
- 23 39. Based on the foregoing, Plaintiff and the members of The Class are entitled to, and below  
24 herein do pray for, their statutory remedies and damages, including but not limited to,  
25 those set forth in California Penal Code § 637.2.

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40. Because this case is brought for the purposes of enforcing important rights affecting the public interest, Plaintiff and The Class seek recovery of their attorney's fees pursuant to the private attorney general doctrine codified in Code of Civil Procedure § 1021.5, or any other statutory basis.

## **SECOND CAUSE OF ACTION**

## NEGLIGENCE

41. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

42. Defendant, as aforesaid herein, has various statutory and common law duties not to engage in the aforementioned eavesdropping, recording, and listening conduct such that Plaintiff and The Class' rights to privacy were invaded and breached.

43. Defendant negligently and recklessly engages in the aforementioned eavesdropping, recording, and listening conduct of Plaintiff and The Class.

44. These activities of Defendant as aforesaid in this cause of action and in this Complaint, legally caused actual, statutorily-imposed and/or demonstrable damages to Plaintiff and The Class.

45. As a result of Defendant's activities as aforesaid in this cause of action and Complaint, Plaintiff and The Class suffered damage as a result of the conduct of Defendant. Plaintiff and The Class are entitled to their damages in an amount according to proof at the time of trial.

## **PRAYER FOR RELIEF**

Wherefore, Plaintiff respectfully requests the Court grant Plaintiff and The Class members the following relief against Defendant:

1. That this action be certified as a class action on behalf of The Class and Plaintiff be appointed as the representative of The Class;

2. For the greater of statutory damages of \$5,000 per violation or three times actual damage per violation pursuant to Penal Code § 637.2(a) for Plaintiff and each member of The Class;

3. Injunctive relief in the form of an order requiring Defendant to disgorge all ill-gotten gains and awarding Plaintiff and The Class full restitution of all monies wrongfully acquired by Defendant by means of such unfair and unlawful conduct;

4. That the Court preliminarily and permanently enjoin Defendant from overhearing, recording, and listening to each and every oncoming and outgoing telephone conversation with California resident, including Plaintiff and The Class, without their prior consent, as required by California Penal Code § 630, *et seq.*, and to maintain the confidentiality of the information of Plaintiff and The Class;

5. For general damages according to proof;

6. For special damages according to proof;

7. For exemplary or punitive damages;

8. For costs of suit;

9. For prejudgment interest at the legal rate; and

10. For such further relief as this Court deems necessary, just, and proper.

## TRIAL BY JURY

Pursuant to the seventh amendment to the Constitution of the United States of America,  
Plaintiff is entitled to, and demands, a trial by jury.

Date: August 8, 2012

**KAZEROUNI LAW GROUP, APC**

By: /s Abbas Kazerounian  
ABBAS KAZEROUNIAN, ESQ.

## HYDE & SWIGART

By: /s Joshua B. Swigart  
JOSHUA B. SWIGART, ESO.

LAW OFFICES OF TODD M. FRIEDMAN

By: /s Todd M. Friedman  
TODD M. FRIEDMAN, Esq.

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Steven Schneider, Individually and on Behalf of all Others Similarly Situated

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Kazerouni Law group, APC; 2700 N. Main Street, Ste. 1000, Santa Ana, California 92705; (800)400-6808

**DEFENDANTS**

Bishop, White, Marshall & Weibel, P.S.

County of Residence of First Listed Defendant Seattle, WA

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

**'12CV1998 JM DHB**

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)                              |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity (vam)<br>(Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

- | Citizen of This State                   | PTF<br><input checked="" type="checkbox"/> 1 | DEF<br><input type="checkbox"/> 1     | Incorporated or Principal Place of Business In This State     | PTF<br><input type="checkbox"/> 4 | DEF<br><input type="checkbox"/> 4 |
|---|--|---------------------------------------|---|-----------------------------------|-----------------------------------|
| Citizen of Another State                | <input type="checkbox"/> 2                   | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5        | <input type="checkbox"/> 5        |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3                   | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6        | <input type="checkbox"/> 6        |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 395 Property Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 875 Customer Challenge
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 840 Trademark	<input checked="" type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 12 USC 3410
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIWV (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 950 Constitutionality of State Statutes
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN**

(Place an "X" in One Box Only)

- |   |   |  |   |  |   |  |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): California Penal Code §§ 630 et seq 28:1331 (vam)

**VI. CAUSE OF ACTION**

Brief description of cause:  
Invasion of Privacy

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$ 5,000,001.00+

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/13/2012

s/Abbas Kazerounian

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

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